



Rep. Annazette Collins

Filed: 3/19/2010

09600HB5914ham002

LRB096 18819 RLC 39338 a

1 AMENDMENT TO HOUSE BILL 5914

2 AMENDMENT NO. _____. Amend House Bill 5914 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended
5 by changing Section 17a-5 as follows:

6 (20 ILCS 505/17a-5) (from Ch. 23, par. 5017a-5)

7 Sec. 17a-5. The Department of Human Services shall be
8 successor to the Department of Children and Family Services in
9 the latter Department's capacity as successor to the Illinois
10 Law Enforcement Commission in the functions of that Commission
11 relating to juvenile justice and the federal Juvenile Justice
12 and Delinquency Prevention Act of 1974 as amended, and shall
13 have the powers, duties and functions specified in this Section
14 relating to juvenile justice and the federal Juvenile Justice
15 and Delinquency Prevention Act of 1974, as amended.

16 (1) Definitions. As used in this Section:

1 (a) "juvenile justice system" means all activities by
2 public or private agencies or persons pertaining to the
3 handling of youth involved or having contact with the
4 police, courts or corrections;

5 (b) "unit of general local government" means any
6 county, municipality or other general purpose political
7 subdivision of this State;

8 (c) "Commission" means the Illinois Juvenile Justice
9 Commission provided for in Section 17a-9 of this Act.

10 (2) Powers and Duties of Department. The Department of
11 Human Services shall serve as the official State Planning
12 Agency for juvenile justice for the State of Illinois and in
13 that capacity is authorized and empowered to discharge any and
14 all responsibilities imposed on such bodies by the federal
15 Juvenile Justice and Delinquency Prevention Act of 1974, as
16 amended, specifically the deinstitutionalization of status
17 offenders, separation of juveniles and adults in municipal and
18 county jails, removal of juveniles from county and municipal
19 jails and monitoring of compliance with these mandates. In
20 furtherance thereof, the Department has the powers and duties
21 set forth in paragraphs 3 through 15 of this Section:

22 (3) To develop annual comprehensive plans based on analysis
23 of juvenile crime problems and juvenile justice and delinquency
24 prevention needs in the State, for the improvement of juvenile
25 justice throughout the State, such plans to be in accordance
26 with the federal Juvenile Justice and Delinquency Prevention

1 Act of 1974, as amended;

2 (4) To define, develop and correlate programs and projects
3 relating to administration of juvenile justice for the State
4 and units of general local government within the State or for
5 combinations of such units for improvement in law enforcement:

6 (5) To advise, assist and make recommendations to the
7 Governor as to how to achieve a more efficient and effective
8 juvenile justice system;

9 (5.1) To develop recommendations to ensure the effective
10 reintegration of youth offenders into communities to which they
11 are returning. The Illinois Juvenile Justice Commission,
12 utilizing available information provided by the Department of
13 Juvenile Justice, the Prisoner Review Board, the Illinois
14 Criminal Justice Information Authority, and any other relevant
15 State agency, shall develop by September 30, 2010, a report on
16 juveniles who have been the subject of a parole revocation
17 within the past year in Illinois. The report shall provide
18 information on the number of youth confined in the Department
19 of Juvenile Justice for revocation based on a technical parole
20 violation, the length of time the youth spent on parole prior
21 to the revocation, the nature of the committing offense that
22 served as the basis for the original commitment, demographic
23 information including age, race, sex, and zip code of the
24 underlying offense and the conduct leading to revocation. In
25 addition, the Juvenile Justice Commission shall develop
26 recommendations to:

1 (A) recommend the development of a tracking system to
2 provide quarterly statewide reports on youth released from
3 the Illinois Department of Juvenile Justice including
4 lengths of stay in the Illinois Department of Juvenile
5 Justice prior to release, length of monitoring
6 post-release, pre-release services provided to each youth,
7 violations of release conditions including length of
8 release prior to violation, nature of violation, and
9 intermediate sanctions offered prior to violation;

10 (B) recommend outcome measures of educational
11 attainment, employment, homelessness, recidivism, and
12 other appropriate measures that can be used to assess the
13 performance of the State of Illinois in operating youth
14 offender reentry programs; ▯

15 (C) recommend due process protections for youth during
16 release decision-making processes including, but not
17 limited to, parole revocation proceedings and release on
18 parole.

19 The Juvenile Justice Commission shall include information
20 and recommendations on the effectiveness of the State's
21 juvenile reentry programming, including progress on the
22 recommendations in subparagraphs (A) and (B) of this paragraph
23 (5.1), in its annual submission of recommendations to the
24 Governor and the General Assembly on matters relative to its
25 function, and in its annual juvenile justice plan. This
26 paragraph (5.1) may be cited as the Youth Reentry Improvement

1 Law of 2009;

2 (6) To act as a central repository for federal, State,
3 regional and local research studies, plans, projects, and
4 proposals relating to the improvement of the juvenile justice
5 system;

6 (7) To act as a clearing house for information relating to
7 all aspects of juvenile justice system improvement;

8 (8) To undertake research studies to aid in accomplishing
9 its purposes;

10 (9) To establish priorities for the expenditure of funds
11 made available by the United States for the improvement of the
12 juvenile justice system throughout the State;

13 (10) To apply for, receive, allocate, disburse, and account
14 for grants of funds made available by the United States
15 pursuant to the federal Juvenile Justice and Delinquency
16 Prevention Act of 1974, as amended; and such other similar
17 legislation as may be enacted from time to time in order to
18 plan, establish, operate, coordinate, and evaluate projects
19 directly or through grants and contracts with public and
20 private agencies for the development of more effective
21 education, training, research, prevention, diversion,
22 treatment and rehabilitation programs in the area of juvenile
23 delinquency and programs to improve the juvenile justice
24 system;

25 (11) To insure that no more than the maximum percentage of
26 the total annual State allotment of juvenile justice funds be

1 utilized for the administration of such funds;

2 (12) To provide at least 66-2/3 per centum of funds
3 received by the State under the Juvenile Justice and
4 Delinquency Prevention Act of 1974, as amended, are expended
5 through:

6 (a) programs of units of general local government or
7 combinations thereof, to the extent such programs are
8 consistent with the State plan; and

9 (b) programs of local private agencies, to the extent
10 such programs are consistent with the State plan;

11 (13) To enter into agreements with the United States
12 government which may be required as a condition of obtaining
13 federal funds;

14 (14) To enter into contracts and cooperate with units of
15 general local government or combinations of such units, State
16 agencies, and private organizations of all types, for the
17 purpose of carrying out the duties of the Department imposed by
18 this Section or by federal law or regulations;

19 (15) To exercise all other powers that are reasonable and
20 necessary to fulfill its functions under applicable federal law
21 or to further the purposes of this Section.

22 (Source: P.A. 96-853, eff. 12-23-09.)

23 Section 10. The Unified Code of Corrections is amended by
24 changing Section 3-3-9 as follows:

1 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

2 Sec. 3-3-9. Violations; changes of conditions; preliminary
3 hearing; revocation of parole or mandatory supervised release;
4 revocation hearing.

5 (a) If prior to expiration or termination of the term of
6 parole or mandatory supervised release, a person violates a
7 condition set by the Prisoner Review Board or a condition of
8 parole or mandatory supervised release under Section 3-3-7 of
9 this Code to govern that term, the Board may:

10 (1) continue the existing term, with or without
11 modifying or enlarging the conditions; or

12 (2) parole or release the person to a half-way house;
13 or

14 (3) revoke the parole or mandatory supervised release
15 and reconfine the person for a term computed in the
16 following manner:

17 (i) (A) For those sentenced under the law in effect
18 prior to this amendatory Act of 1977, the recommitment
19 shall be for any portion of the imposed maximum term of
20 imprisonment or confinement which had not been served
21 at the time of parole and the parole term, less the
22 time elapsed between the parole of the person and the
23 commission of the violation for which parole was
24 revoked;

25 (B) Except as set forth in paragraph (C), for those
26 subject to mandatory supervised release under

1 paragraph (d) of Section 5-8-1 of this Code, the
2 recommitment shall be for the total mandatory
3 supervised release term, less the time elapsed between
4 the release of the person and the commission of the
5 violation for which mandatory supervised release is
6 revoked. The Board may also order that a prisoner serve
7 up to one year of the sentence imposed by the court
8 which was not served due to the accumulation of good
9 conduct credit;

10 (C) For those subject to sex offender supervision
11 under clause (d) (4) of Section 5-8-1 of this Code, the
12 reconfinement period for violations of clauses (a) (3)
13 through (b-1) (15) of Section 3-3-7 shall not exceed 2
14 years from the date of reconfinement.

15 (ii) the person shall be given credit against the
16 term of reimprisonment or reconfinement for time spent
17 in custody since he was paroled or released which has
18 not been credited against another sentence or period of
19 confinement;

20 (iii) persons committed under the Juvenile Court
21 Act or the Juvenile Court Act of 1987 may be continued
22 under the existing term of parole with or without
23 modifying the conditions of parole, paroled or
24 released to a group home or other residential facility,
25 or shall be recommitment until the age of 21 unless
26 sooner terminated;

1 (iv) this Section is subject to the release under
2 supervision and the reparole and rerelease provisions
3 of Section 3-3-10.

4 (b) The Board may revoke parole or mandatory supervised
5 release for violation of a condition for the duration of the
6 term and for any further period which is reasonably necessary
7 for the adjudication of matters arising before its expiration.
8 The issuance of a warrant of arrest for an alleged violation of
9 the conditions of parole or mandatory supervised release shall
10 toll the running of the term until the final determination of
11 the charge. When parole or mandatory supervised release is not
12 revoked that period shall be credited to the term, unless a
13 community-based sanction is imposed as an alternative to
14 revocation and reincarceration, including a diversion
15 established by the Illinois Department of Corrections Parole
16 Services Unit prior to the holding of a preliminary parole
17 revocation hearing. Parolees who are diverted to a
18 community-based sanction shall serve the entire term of parole
19 or mandatory supervised release, if otherwise appropriate.

20 (b-5) The Board shall revoke parole or mandatory supervised
21 release for violation of the conditions prescribed in paragraph
22 (7.6) of subsection (a) of Section 3-3-7.

23 (c) A person charged with violating a condition of parole
24 or mandatory supervised release shall have a preliminary
25 hearing before a hearing officer designated by the Board to
26 determine if there is cause to hold the person for a revocation

1 hearing. However, no preliminary hearing need be held when
2 revocation is based upon new criminal charges and a court finds
3 probable cause on the new criminal charges or when the
4 revocation is based upon a new criminal conviction and a
5 certified copy of that conviction is available.

6 (d) Parole or mandatory supervised release shall not be
7 revoked without written notice to the offender setting forth
8 the violation of parole or mandatory supervised release charged
9 against him.

10 (e) A hearing on revocation shall be conducted before at
11 least one member of the Prisoner Review Board. The Board may
12 meet and order its actions in panels of 3 or more members. The
13 action of a majority of the panel shall be the action of the
14 Board. In consideration of persons committed to the Department
15 of Juvenile Justice, the member hearing the matter and at least
16 a majority of the panel shall be experienced in juvenile
17 matters. A record of the hearing shall be made. At the hearing
18 the offender shall be permitted to:

19 (1) appear and answer the charge; and

20 (2) bring witnesses on his behalf.

21 (f) The Board shall either revoke parole or mandatory
22 supervised release or order the person's term continued with or
23 without modification or enlargement of the conditions.

24 (g) Parole or mandatory supervised release shall not be
25 revoked for failure to make payments under the conditions of
26 parole or release unless the Board determines that such failure

1 is due to the offender's willful refusal to pay.

2 (Source: P.A. 94-161, eff. 7-11-05; 94-165, eff. 7-11-05;

3 94-696, eff. 6-1-06; 95-82, eff. 8-13-07.)".